

Division of Assets

(Federal Spousal Impoverishment Provisions)

8/2009

The spousal impoverishment provisions of the Medicaid program changes the Medicaid eligibility requirements for a person who needs long term care in a nursing home or Home and Community-Based Services (HCBS) setting when there is a spouse who remains at home. It protects a portion of the couple's income and resources so the spouse at home is not reduced to poverty. At the same time, these provisions help the spouse needing long-term medical care to qualify for Medicaid benefits, which can help in paying for that care.

Resource Limits:

As of 01/09, the amount of the couple's nonexempt resourced which can be protected is the greater of:

- \$21,912 or
- 1/2 of the value of the couple's nonexempt resources owned at the time the husband or wife first entered long term care, not to exceed \$109,560

These \$21,912/\$109,560 allowance limits are subject to change annually due to increases in the federal consumer price index.

Only nonexempt resources are considered. This would include such things as checking and savings accounts, land and/or buildings other than an exempted home. The protected resources must usually be transferred to the spouse in the community and are not considered in determining the eligibility of the person in long term care.

Income Limits:

The amount of the couple's combined income which can be protected is either:

- Up to \$1,822 per month, or
- Up to \$2,739 per month if there are excess shelter expenses

In addition, up to \$608 per month can be protected for each dependent family member who lives with the spouse who remains at home. A dependent family member is defined as a minor or adult child, a parent, or a brother or sister of either the husband or wife who has been dependent on the couple because of legal, financial, or medical reasons.

Only nonexempt income is considered. This includes income from such sources as Social Security, Veterans, Railroad Retirement benefits, wages, income from investments, and other public or private retirement or disability benefits. The protected income must be allocated each month to the spouse in the community and any dependent family members. The amount of this income is then exempted from consideration in determining the liability of the person in long term care for his or her cost of care.

Related Information on the Kansas Department On Aging Website:

See the KDOA website for more information on Division of Assets

http://www.agingkansas.org/Publications/Publication_Index.htm

For more information about this program call 1-888-369-4777 for the nearest SRS Service Center.

